

REMARKS

Claims 26-29, 33-47, 53, 54, 65-79, and 87-90 were pending in this application as of the Office Action dated August 24, 2006.

Applicants have not amended nor canceled any of the claims, therefore claims 26-29, 33-47, 53, 54, 65-79, and 87-90 will be pending upon entry of this Amendment. The remarks made herein are designed to place the case in condition for allowance. As such, Applicants respectfully request that the remarks made herein be entered and fully considered.

Double Patenting

Claims 26-29, 33-47, 53-54, 65-79, and 87-90 were “[p]rovisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 44-58 of copending Application No. 10/850,034.” Specifically, the Examiner asserts that “[a]n issuance of a patent to instant application would include the antibody of copending application 10/850,034.”

Claims 26-29, 33-47, 53-54, 65-79, and 87-90 were also “[p]rovisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 252 and 265-277 of copending Application No. 09/610,118.” Specifically, the Examiner asserts that “[a]n issuance of a patent to instant application would include the antibody of copending application 09/610,118.”

Applicants respectfully traverse these rejections and consider that the obviousness-type double patenting rejections are improper, however in an effort to expedite prosecution, and in no way acquiescing to the Examiner’s rejections, Applicants submit herewith a Terminal Disclaimer to obviate the obviousness-type double patenting rejection over Application No. 10/850,034 and another Terminal Disclaimer to obviate the obviousness-type double patenting rejection over Application No. 09/610,118. Therefore, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejections over claims 44-58 of co-pending Application No. 10/850,034, now U.S. Patent 7,101,549 and over claims 252 and 265-277 of co-pending Application No. 09/610,118, now U.S. Patent 6,989,144.

CONCLUSION

In view of the remarks made herein, Applicants respectfully submit that the rejections presented by the Examiner are now overcome and that this application is in condition for allowance. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

It is believed that this paper is being filed timely as a request for a one month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any further extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

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